

CITY BOARD OF ZONING APPEAL #2360

DATE: July 16, 2003 **SCHEDULED FOR PUBLIC HEARING:** July 25, 2003

LOCATION: Generally located at S. 70th Street and La Salle Street.

ADDRESS: 6940 La Salle Street.

LEGAL DESCRIPTION: Lot 1, block 1, Colonial Hills 9th Addition.

APPLICANT: David Lewon
6719 Aylesworth Avenue
Lincoln, NE
(402)416-1961

LOT AREA: Approximately 10,578 square feet, more or less.

ZONING: R-1, Residential

EXISTING LAND USE: Single Family Residential

SURROUNDING LAND USE AND ZONING:

North:	Offices	O-3, Office Park
South:	Residential	R-1, Residential
East:	Residential	R-1, Residential
West:	Residential	R-1, Residential

TYPE OF APPEAL:

THIS APPEAL IS DIRECTED TO THE BOARD RELATIVE TO A VARIANCE.

Section 27.71.110, L.M.C. allows uncovered decks, which do not extend more than three feet above or below the adjacent ground elevation to project into a required side or rear part, provided these projections be at least two feet from the adjacent side lot line. A variance of the allowed height from three (3) feet to eight feet nine inches (8'9") is requested.

STAFF FINDINGS:

1. This is a request to allow an uncovered deck greater than three feet in height to project into the required rear yard setback.
2. This is a corner lot with two frontages on intersecting streets. The Zoning Ordinance does not require lots with two frontages to have two rear yards, it gives the lot owner the option at the time of initial construction the choice of

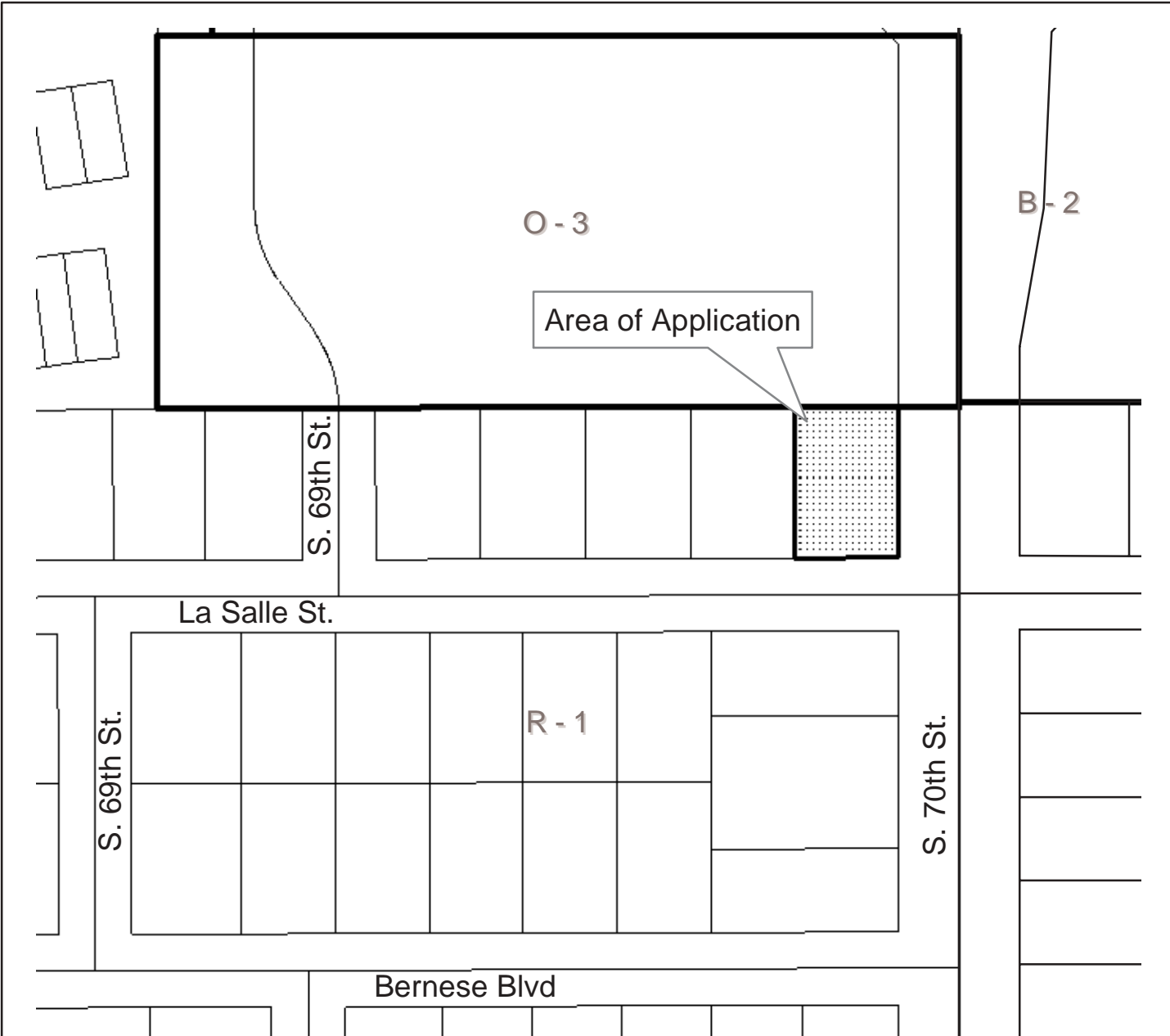
which yard will be the rear yard. The rear yard, on this lot, is along the west lot line. The rear yard is 20% of the depth of the lot, or 30 feet, whichever is less. The depth is measured from the longest lot line. The longest lot line is 123', making the required rear yard setback 24.6'. The existing deck is set back further than the required rear yard setback.

3. The house is a single story with a walk out basement.
4. The rear yard is relatively level in grade. There is nothing unique about the grade of the lot. It is substantially similar to other walk out lots.
5. The lot does not have a large rear yard, however, the amount of yard and open space is similar in total area as the other properties in the area.
6. The lots along the north side of La Salle Street are actually larger than the average lot in the Colonial Hills area.
7. Other properties in the neighborhood have decks that meet the requirements of the Zoning Ordinance.
8. The house has an existing deck. The applicant may have a uncovered deck in the required rear yard if the deck is three feet or shorter in height.
9. The applicant indicated that they would like to build a deck 8'9" above grade and that the property has a walk out basement. The applicant indicated that other houses in the area have decks that are approximately the same size.
10. The Board of Zoning Appeals is empowered to grant variances "to the extent necessary to permit the owner a reasonable use of the land in those specified instances where there are peculiar, exceptional and unusual circumstances in connection with a specific parcel of land, which circumstances are not generally found within the locality or neighborhood concerned."
11. If this appeal were not granted, the owners could erect an uncovered deck, not exceeding three feet in height, in the required rear yard setback, not less than two feet from the side lot line.

Prepared by

Becky Horner
Planner

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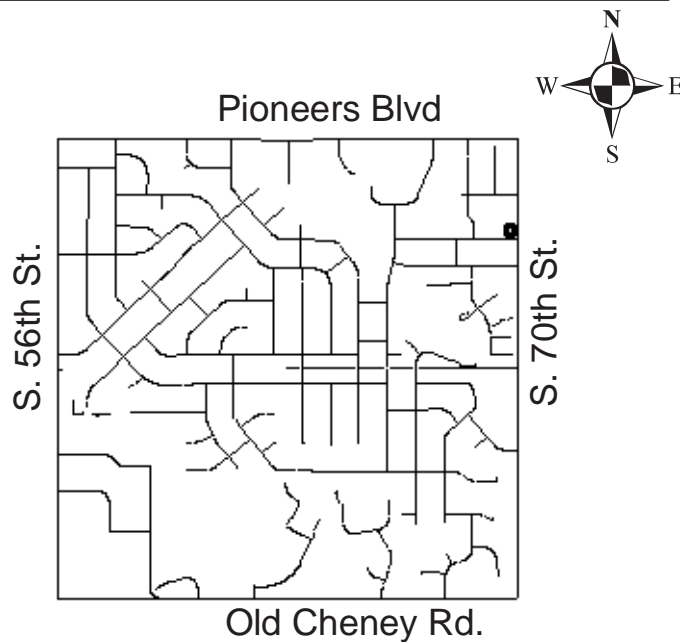
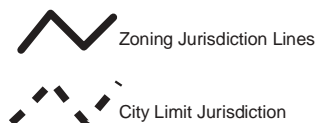


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Zoning:

R-1	to R-8	Residential District
AG		Agricultural District
AGR		Agricultural Residential District
R-C		Residential Conservation District
O-1		Office District
O-2		Suburban Office District
O-3		Office Park District
R-T		Residential Transition District
B-1		Local Business District
B-2		Planned Neighborhood Business District
B-3		Commercial District
B-4		Lincoln Center Business District
B-5		Planned Regional Business District
H-1		Interstate Commercial District
H-2		Highway Business District
H-3		Highway Commercial District
H-4		General Commercial District
I-1		Industrial District
I-2		Industrial Park District
I-3		Employment Center District
P		Public Use District

One Square Mile
Sec. 9 T9N R7E





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